BOMBAY ACT No. II OF 1904.[1]

[*30th May, 1904.*]

An Act to regulate the use of motor-vehicles in the Bombay Presidency.

WHEREAS it is expedient to regulate the use of motor-vehicles in the Bombay Presidency ; It is hereby enacted as follows :—

Short title. Extent. Definition.

1. (*1*) This Act may be called the Bombay Motor-vehicles Act, 1904.

(*2*) It shall extend to the whole of the Bombay Presidency, except Aden.

(*3*) "Motor-vehicle" shall include all vehicles propelled by mechanical means on ordinary roads, other than such vehicles or classes of vehicle as the Governor in Council may, by notification published in the *Bombay Government Gazette*, [2] exempt.

Reckless driving.

2. Whoever drives a motor-vehicle recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the road, may on conviction be punished with fine which may extend to one hundred rupees, or, in the case of a second or subsequent conviction, to two hundred rupees.

Duty to stop in case of accident.

3. (*1*) Where any accident occurs to any person, whether on foot, on horse-back, or in a vehicle, or to any horse or vehicle in charge of any person, owing to the presence of a motor-vehicle on the road, whoever is in charge of such motor-vehicle shall stop, and, if required, give his name and address, and also the name and address of the owner of such motor-vehicle.

Penalty.

(*2*) Any voluntary breach of sub-section (*1*) may on conviction be punished with fine which may extend to fifty rupees, or, in the case of a second or subsequent conviction, to one hundred rupees.

Driving without license.

4. (*1*) Whoever drives a motor-vehicle without a license granted for the purpose under sub-section (*2*), or under any enactment other than this Act in force for the time being in any part of British India, or employs to drive a motor-vehicle any person who is not so licensed, may on conviction be punished with fine which may extend to fifty rupees, or, in the case of a second or subsequent conviction, to one hundred rupees.

Grant of license.

(*2*) A license to drive a motor-vehicle shall be granted, in the City of Bombay by the Commissioner of Police and elsewhere by the District

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1903, Pt. VII, p. 67 ; for Report of Select Committee, *see ibid*, 1904, Pt. VII, p. 13, and for Proceedings in Council, *see ibid*, 1903, Pt. VII, p. 191, *ibid*, 1904, Pt. VII, p. 50.

The Act has been extended to Aden subject to certain modifications, under sections 5 and 5A, of the Scheduled Districts Act, 1874 (14 of 1874), with effect from 1st June, 1908, *see* Bombay Government Gazette, 1908, Pt. I, p. 732.

[2] For notification exempting traction engines and steam rollers, *see* Bombay Government Gazette, 1904, Pt. I, p. 989.

Magistrate, to any person over the age of eighteen years applying for it, who is not disqualified under section 8, on payment of a fee of two rupees.

Payment of City of Bombay fees to the municipal fund.

(*3*) The Commissioner of Police for the City of Bombay shall, on or before the thirty-first day of January in each year, pay to the credit of the municipal fund specified in section 3 of the [1] City of Bombay Municipal Act, 1888, [2] [the balance, after all expenses incurred in administering this Act in the City of Bombay have been defrayed] of the fees received by him for licenses granted by him under sub-section (*2*) in the preceding year. Bom. III of 1888.

Duration and renewal of license.

5. Every license shall remain in force for a period of twelve months from the date on which it is granted, but shall be renewable, and the same provisions shall apply to the renewal of the license as apply to the grant thereof.

Production of license.

6. The driver of a motor-vehicle shall produce his license upon demand by any police-officer above the rank of constable.

Licenses not transferable.

7. The holder of a license shall not lend it to, nor allow it to be used by, any other person.

Suspension and disqualification.

8. (*1*) Any Court by whom any person is convicted of an offence under this Act, or of any offence in connection with the driving of a motor-vehicle,

(*a*) where the person convicted holds a license to drive a motor-vehicle granted under section 4, sub-section (*2*), or under any enactment other than this Act in force for the time being in any part of British India,

(*i*) may suspend such license for such time as the Court thinks fit, and may also declare such person disqualified for obtaining a license for such further time after the expiration thereof as the Court thinks fit, and

(*ii*) shall cause particulars of the conviction and of any order of the Court made under this clause to be endorsed upon such license and shall also cause a copy of these particulars to be sent to the authority by which such license has been granted, and,

(*b*) where the person convicted does not hold such a license, may declare him disqualified for obtaining a license for such time as the Court thinks fit.

Production of license for endorsement.

(*2*) Any person so convicted shall, if he holds such a license, produce it for endorsement within such period as the Court thinks fit to direct.

Effect of order under sub-section (1).

(*3*) A license suspended under sub-clause (*i*) of clause (*a*) of sub-section (*1*) shall during the period of suspension be of no effect, and a person whose license is so suspended, or who is declared, under sub-clause (*i*) of clause (*a*), or under clause (*b*), of sub-section (*1*), to be disqualified for obtaining a license, shall during the period of suspension or disqualification be disqualified for obtaining a license.

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1 Vol. III of this Code, p. 975.

2 These words were substituted by s. 24 of the City of Bombay Police Charges Act, 1907 (Bom. Act 3 of 1907), *infra*, p. 1775, for the words "the total amount".

(*4*) No person who is disqualified for obtaining a license shall apply for, or obtain, a license, and no person whose license has been endorsed shall apply for, or obtain, a license without giving particulars of the endorsement; and any license held by a person who is so disqualified shall during the period of disqualification be of no effect. Application by disqualified person. License held by such person void.

9. (*1*) The Governor in Council may, by notification[1] published in the *Bombay Government Gazette*, prohibit within any area or along any road specified in such notification the letting or plying for hire of any motor-vehicle except under a permit granted by the Governor in Council, or by such officer, if any, as he may appoint in this behalf, subject to such general or special conditions as the Governor in Council or such officer may see fit to prescribe. Power of Governor in Council to prohibit letting or plying for hire except under permit.

(*2*) The grant of any such permit shall be at the absolute discretion of the Governor in Council or of such officer, subject to the control of the Governor in Council :

Provided that the grant of a permit under sub-section (*1*) shall not in any way hinder or restrict the grant of another permit to any other person.

10. (*1*) The Governor in Council may, by notification published in the *Bombay Government Gazette*, make [2] rules to regulate the use of motor-vehicles, and may by a like notification direct that any such rule shall apply to the whole or to any part of the Bombay Presidency. Power of Governor in Council to make rules.

(*2*) In particular and without prejudice to the generality of the foregoing power, the Governor in Council may make rules under this section containing directions as to all or any of the following matters, namely :—

(*a*) the speed at which motor-vehicles may be driven,

(*b*) prescribing the form of application under section 4, sub-section (*2*), and the form of license to be granted under that sub-section,

(*c*) the displaying of numbers or names on motor-vehicles, and the registration thereof,

(*d*) prohibiting the driving of motor-vehicles on foot-ways, roads, streets or ghâts, or in hill-stations or other places, where their use may be attended with danger to the public ; or regulating the hours within which motor-vehicles may be driven, or the hours within which no vehicle other than a motor-vehicle shall be driven, on any such foot-way, road, street or ghât not vested in any municipality, or in any such hill-station or other place,

(*e*) the carrying and use of a horn, bell or other instrument on motor-vehicles for giving audible and sufficient warning of their approach or position,

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1 For such notification affecting the Settlement and Cantonment of Aden, *see* Bombay Government Gazette, 1908, Pt. I, p. 733.

2 For rules applying to the whole of the Bombay Presidency, except Aden, *see* Bombay Government Gazette, 1906, Pt. I, p. 1636.

(*f*) the carrying of lights on motor-vehicles between sunset and sunrise and the description of such lights and the position in which they should be placed,

(*g*) the stoppage of motor-vehicles when required by the police for the regulation of traffic or for other reasonable purpose, and

(*h*) generally, the prevention of danger or injury to persons, animals, vehicles or goods, and the prevention of obstruction to traffic.

Local authorities to post notices

11. Every municipality, cantonment authority and district local board, within their respective areas,

(*a*) shall, for the purpose of giving effect to any rule of local application made under section 10, sub-section (*2*), clause (*a*) or (*d*), post notices in conspicuous places on or near the foot-way, road, street, ghát or in or near the place to which such rule refers, and

and erect sign-posts.

(*b*) may erect sign-posts denoting dangerous corners, cross roads and precipitous places, where sign-posts appear to them to be necessary.

Breach of section or rule.

12. Any breach of section 6, or 7, or sub-section (*2*) or (*4*) of section 8, or of any rule made under section 10, may on conviction be punished with fine which may extend to fifty rupees, or, in the case of a second or subsequent conviction, to one hundred rupees.

Breach of prohibition made, or condition of permit granted, under section 9.

13. Any breach of any prohibition made, or of any condition of any permit granted, under section 9, sub-section (*1*), may on conviction be punished with fine which may extend to two hundred and fifty rupees, or, in the case of a second or subsequent conviction, to five hundred rupees.

Offences by whom triable.

14. Offences under this Act shall be triable by Presidency Magistrates or by any Magistrate of the first or second class within whose jurisdiction any such offence may have been committed.

Saving of liability.

15. Nothing in this Act shall affect any liability whatever, whether civil or criminal, of the driver or owner of a motor-vehicle arising from any other enactment or otherwise.

Previous publication.

16. The power to make rules under section 10, and prohibitions under section 9, sub-section (*1*), shall be subject to the condition of previous publication.

BOMBAY ACT No. III OF 1904.[1]

[*21st June, 1904.*]

An Act to amend the [2]Khotí Settlement Act, 1880.

WHEREAS it is expedient to amend the [2]Khotí Settlement Act, Bom. I of 1880.

[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1903, Pt. VII, p. 62 ; for Report of Select Committee, *see ibid*, 1904, Pt. VII, p. 20 ; and for Proceedings in Council, *see ibid*, 1903, Pt. VII, p. 182 ; *ibid*, 1904, Pt. VII, p. 42.

[2] Vol. II of this Code, p. 766.